

PENELOPE TRONG

Penelope Strong Law Firm 2517 Montana Avenue, Billings MT 59101
Tel: 406-839-9220, Fax: 406-839-9221

DATE: November 4, 2009

TO: Department of Environmental Quality
RE: IN RE: Cottonwood Camp
Docket no. PWS 09-76

FILED this 6th day of
November AD 2009
at 11:02 o'clock A M.
MONTANA BOARD OF
ENVIRONMENTAL REVIEW
by M. Crabbe

<input type="checkbox"/>	For Your Information	<input checked="" type="checkbox"/>	Your Attention is Required
<input type="checkbox"/>	For Your Signature	<input type="checkbox"/>	Per Your Request
<input type="checkbox"/>	For Your Approval	<input type="checkbox"/>	Per Our Conversation
<input checked="" type="checkbox"/>	For Filing	<input type="checkbox"/>	Please See Me
<input type="checkbox"/>	Please Return Signed Copy	<input type="checkbox"/>	Would like to discuss with you.
<input type="checkbox"/>	For Your Comments	<input type="checkbox"/>	Please Call.

Please find enclosed a Motion to dismiss.
Thank you for your attention to this matter

Cc: Attorney Carol Schmidt

By: D. Trong

Enclosure - 3 pages.

1 Penelope S. Strong
2 Penelope Strong Law Office
3 2517 Montana Ave.
4 Billings, Montana 59101
5 Tel: (406) 839-9220
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7 *Attorney for Alvin Blakely*

8
9 **BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

10 **THE STATE OF MONTANA**

11 **IN THE MATTER OF : VIOLATIONS OF**
12 **Montana PUBLIC WATER SUPPLY LAWS**
13 **BY COTTONWOOD CAMP, A MONTANA**
14 **LLP AT COTTONWOOD CAMP FORT**
15 **SMITH, PWSID MT0003301, FORT SMITH,**
16 **BIG HORN COUNTY, MONTANA (FID 1832**
17 **)**

Docket No. PWS -09-76

**MOTION TO DISMISS REQUEST FOR
HEARING AND NOTICE OF APPEAL**

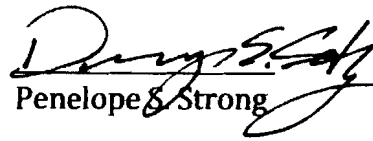
18 **COMES NOW**, Alvin Blakely, by and through his attorney of record, Penelope S.
19 Strong, and pursuant to the applicable rules, and hereby moves to dismiss the request for
20 hearing and notice of appeal, filed on behalf of Alvin Blakely and dated October 10, 2009.

21 The basis for this Motion is that both parties have consulted, and agree that
22 Mr. Blakely has no personal liability in this matter, and thus, there is no need to maintain
23 the request for a hearing or the appeal. The appeal was timely filed to preserve any rights
24 he might have, so no waiver would occur.

25 Opposing counsel has been consulted and does not object to the relief requested.

RESPECTFULLY SUBMITTED this 4th day of November, 2009.

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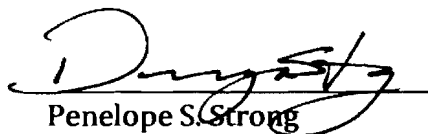

Penelope S. Strong

CERTIFICATE OF SERVICE

The undersigned certifies that on the ~~4th~~ day of November, 2009, a true and correct copy of the enclosed and foregoing was faxed and mailed, via first class mail, postage prepaid, to:

Joyce Wittenberg
Board of Environmental Review
P.O. Box 200901
Helena, MT. 59620-0901
Fax : 406-444-4356

Carol Schmidt
Department of Environmental quality
P.O. Box 200901
Helena MT 59620-2501
Fax : 406-444-4356


Penelope S. Strong

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CASE NO. BER 2009-19 PWS

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Order
of Dismissal to be mailed to:

Ms. Joyce Wittenberg
Secretary, Board of Environmental Review
Department of Environmental Quality
1520 East Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901
(original)

Ms. Carol Schmidt
Legal Counsel
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Mr. John Arrigo
Administrator, Enforcement Division
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Ms. Penelope S. Strong
2517 Montana Avenue
Billings, MT 59101

Ms. Katherine Orr
Hearing Examiner
P.O. Box 201440
Helena, MT 59620-1440

DATED:_____